

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMIE HOFF)	
)	
Plaintiff,)	
)	Case No. 4:12-cv-01664
vs.)	
)	St. Charles County, Missouri
MEDICREDIT, INC.)	Associate Circuit Court
)	No. 1211-AC05813
Defendant.)	
)	NOTICE OF REMOVAL OF ACTION
)	UNDER 28.U.S.C. §1331
)	
)	(FEDERAL QUESTION JURISDICTION)
)	

NOTICE OF REMOVAL OF CIVIL ACTION

Defendant Medicredit, Inc. ("Defendant"), pursuant to 28 U.S.C. §1441, hereby removes this action to this Court from the Circuit Court of St. Charles, State of Missouri. This is a civil action over which this Court has original subject matter jurisdiction under 28 U.S.C. §1331 in that Plaintiff's Petition filed raises claims centered on the "Fair Debt Collection Practices Act", or "FDCPA", 15 USC 1692, et. seq. and "Telephone Consumer Protection Act of 1991", or "TCPA", 47 USC 227, et seq. In support hereof, Defendant states as follows:

I. INTRODUCTION

1. Plaintiff Jamie Hoff (the "Plaintiff") filed this case, styled *Jamie Hoff v. Medicredit, Inc.*, Cause No. 1211-AC05813, in the Circuit Court of St. Charles County, State of Missouri. This lawsuit involves Plaintiff's claims relating to an allege debt with Defendant.

2. Plaintiff filed her two count Petition for Violation of the FDCPA and Violation of the TCPA

II. NOTICE OF REMOVAL IS TIMELY

3. On or about August 15, 2012, the Plaintiff served her Petition on Defendant. This Notice of Removal is timely because it is filed within thirty (30) days of Defendant's receipt of service of the Petition and within one year of the commencement of this action as mandated by 28 U.S.C. §1446(b).

III. FEDERAL QUESTION JURISDICTION EXISTS

4. The Court has original jurisdiction over this action under 28 U.S.C. §1331 and this case may be removed pursuant to 28 U.S.C. §1441(b) because it involves a federal question based upon the "Fair Debt Collection Practices Act", 15 U.S.C. §1692a.

IV. REMOVAL TO THIS DISTRICT IS PROPER

5. Removal venue exists in the United States District Court for the Eastern District of Missouri and is proper in this Court because the Circuit Court of St. Charles County, State of Missouri is within the Eastern District of Missouri.

6. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81-2.03, the following documents are attached hereto:

- Copies of all process, pleadings, and orders on file at St. Charles County to date are attached hereto as **Exhibit A**;
- A copy of Plaintiff's Petition is attached hereto as **Exhibit B**.
- Civil Cover Sheet is attached hereto as **Exhibit C**; and
- Original Filing Form is attached hereto as **Exhibit D**.

7. Written notice of the filing of this Notice of Removal will be promptly served on the attorney for Plaintiff and a copy has been filed with the Clerk of the Circuit Court of St. Charles County, State of Missouri.

8. Defendant's Notice to Clerk of Filing Notice of Removal will also be promptly filed with the Clerk of the Circuit Court of St. Charles County, State of Missouri.

9. Defendant hereby reserves any and all rights to assert any and all defenses to Plaintiff's Petition, including but not limited to failure to state a claim upon which relief can be granted.

10. Defendant reserves the right to amend or supplement this Notice of Removal.

11. Defendant has not answered the Petition in state court, and will do so consistent with Fed. R. Civ. P. 8(c).

WHEREFORE, Mediacredit, Inc. respectfully removes this action now pending in the Circuit Court of St. Charles County, State of Missouri to this Court.

LATHROP & GAGE LLP

/s/ Scott J. Dickenson

Scott J. Dickenson, #50478MO
Jaimie L. Thompson, #60948MO
7701 Forsyth Blvd., Suite 500
Clayton, MO 63105
Telephone: (314) 613-2800
Telecopier: (314) 613-2801
sdickenson@lathropgage.com
jthompson@lathropgage.com

**Attorneys for Defendant
Mediacredit, Inc.**

CERTIFICATE OF SERVICE

I hereby certify a true copy of the foregoing Notice of Removal was served, by First Class United States Mail, Postage Prepaid on this 14th day of September, 2012 to the following:

Richard Voytas
Eason & Voytas, LLC
1 North Taylor Ave.
St. Louis, MO 63108

/s/ Scott J. Dickenson